

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 12-01651 JSC	DATE FILED 4/3/12	U.S. DISTRICT COURT Northern District of California
PLAINTIFF NETGEAR, INC.		DEFENDANT HARRIS CORPORATION
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,718,030		
2 7,200,400		
3 7,218,722		
4 7,936,714		
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Gloria Acevedo	DATE April 6, 2012
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E-filing

Attorneys for Plaintiff NETGEAR, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NETGEAR, INC., a Delaware corporation,

Plaintiff,

v.

HARRIS CORPORATION, a Delaware
corporation,

Defendant.

CASE NO.:

CV 12-01651 JSC

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff NETGEAR, Inc. ("NETGEAR" or "Plaintiff") hereby alleges for its Complaint against defendant Harris Corporation ("Harris" or "Defendant") on personal knowledge as to NETGEAR's own actions and on information and belief as to the actions of others, as follows:

THE PARTIES

1. Plaintiff NETGEAR is a Delaware corporation conducting business in this judicial district and having its principal place of business in San Jose, California.

2. On information and belief, Defendant Harris is a Delaware corporation with its principal place of business in Melbourne, Florida.

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1 Protocol.” The ’030 Patent issued on April 6, 2004. A true and correct copy of the ’030 Patent
2 is attached hereto as Exhibit 1.

3 10. Harris has infringed and continues to infringe one or more claims of the ’030 Patent,
4 by making, using, selling, offering for sale, and/or importing into the United States products and
5 systems including, but not limited to, Harris’s VIDA Network and products, the VIDA
6 Telephone Interconnect (VTI), the MASTR III Base Station, and the EDACS MASTR III
7 repeater, without permission of NETGEAR. Harris is, thus, liable for direct infringement of the
8 ’030 Patent pursuant to 35 U.S.C. § 271(a).

9 11. On March 16, 2012, NETGEAR sent Harris’s counsel a letter notifying Harris of
10 its infringement of the ’030 Patent. On information and belief, Harris has and continues to
11 actively induce third parties (*e.g.*, customers, resellers, and end-users) to directly infringe one or
12 more claims of the ’030 Patent and is thus liable for indirect infringement pursuant to 35 U.S.C.
13 § 271(b).

14 12. Harris has and continues to sell, offer to sell, and/or import into the United States
15 components which constitute a material part of the ’030 Patent and lack any substantial non-
16 infringing use. Harris is, therefore, liable for indirect infringement of the ’030 Patent pursuant to
17 35 U.S.C. § 271(c).

18 13. On information and belief, Harris has had knowledge of the ’030 Patent since, at the
19 very latest, March 16, 2012, the date of NETGEAR’s letter to Harris’s counsel, yet Harris
20 continues to infringe the ’030 Patent. Harris’s infringement has been, and continues to be,
21 willful under 35 U.S.C. § 284.

22 14. As a result of Harris’s infringement of the ’030 Patent, NETGEAR has and will
23 continue to be irreparably injured, and is entitled to recover damages for such injuries pursuant to
24 35 U.S.C. § 284 in an amount to be determined at trial. NETGEAR is also entitled to injunctive
25 relief.

26 **SECOND CAUSE OF ACTION - INFRINGEMENT OF THE ’400 PATENT**

27 15. NETGEAR restates and re-alleges each of the allegations contained in all preceding
28 paragraphs of this Complaint, and incorporates them as if fully stated herein.

1 16. NETGEAR is the owner by assignment of U.S. Patent No. 7,200,400 ("the '400
2 Patent"), entitled "Mobile to 802.11 Voice Multi-Network Roaming Utilizing SIP Signaling
3 With SIP Proxy or Redirect Server." The '400 Patent issued on April 3, 2007. A true and
4 correct copy of the '400 Patent is attached hereto as Exhibit 2.

5 17. Harris has infringed and continues to infringe one or more claims of the '400 Patent,
6 by making, using, selling, offering for sale, and/or importing into the United States products and
7 systems, including, but not limited to, Harris's VIDA Network and products, the Inter-RF
8 Subsystem Interface (ISSI) Gateway, the Interoperability Gateway, and the UNITY XG-100P
9 Portable Radio, without permission of NETGEAR. Harris is, thus, liable for direct infringement
10 of the '400 Patent pursuant to 35 U.S.C. § 271(a).

11 18. On March 16, 2012, NETGEAR sent Harris's counsel a letter notifying Harris of its
12 infringement of the '400 Patent. On information and belief, Harris has and continues to actively
13 induce third parties (*e.g.*, customers, resellers, and end-users) to directly infringe one or more
14 claims of the '400 Patent and is thus liable for indirect infringement pursuant to 35 U.S.C. §
15 271(b).

16 19. Harris has and continues to sell, offer to sell, and/or import into the United States
17 components which constitute a material part of the '400 Patent and lack any substantial non-
18 infringing use. Harris is, therefore, liable for indirect infringement of the '400 Patent pursuant to
19 35 U.S.C. § 271(c).

20 20. On information and belief, Harris has had knowledge of the '400 Patent since, at the
21 very latest, March 16, 2012, the date of NETGEAR's letter to Harris's counsel, yet Harris
22 continues to infringe the '400 Patent. Harris's infringement has been, and continues to be,
23 willful under 35 U.S.C. § 284.

24 21. As a result of Harris's infringement of the '400 Patent, NETGEAR has and will
25 continue to be irreparably injured, and is entitled to recover damages for such injuries pursuant to
26 35 U.S.C. § 284 in an amount to be determined at trial. NETGEAR is also entitled to injunctive
27 relief.

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1 **THIRD CAUSE OF ACTION - INFRINGEMENT OF THE '722 PATENT**

2 22. NETGEAR restates and re-alleges each of the allegations contained in all preceding
3 paragraphs of this Complaint, and incorporates them as if fully stated herein.

4 23. NETGEAR is the owner by assignment of U.S. Patent No. 7,218,722 ("the '722
5 Patent"), entitled "System and Method For Providing Call Management Services in a Virtual
6 Private Network Using Voice or Video Over Internet Protocol." The '722 Patent issued on May
7 15, 2007. A true and correct copy of the '722 Patent is attached hereto as Exhibit 3.

8 24. Harris has infringed and continues to infringe one or more claims of the '722 Patent,
9 by making, using, selling, offering for sale, and/or importing into the United States products and
10 systems, including, but not limited to, Harris's VIDA Network and products, the VIDA
11 Telephone Interconnect (VTI), the P7200 Portable Radio, the OpenSky Network and Products,
12 the MASTR III Base Station, and EDACS MASTR III repeater, without permission of
13 NETGEAR. Harris is, thus, liable for direct infringement of the '722 Patent pursuant to 35
14 U.S.C. § 271(a).

15 25. On March 16, 2012, NETGEAR sent Harris's counsel a letter notifying Harris of its
16 infringement of the '722 Patent. On information and belief, Harris has and continues to actively
17 induce third parties (e.g., customers, resellers, and end-users) to directly infringe one or more
18 claims of the '722 Patent and is thus liable for indirect infringement pursuant to 35 U.S.C. §
19 271(b).

20 26. Harris has and continues to sell, offer to sell, and/or import into the United States
21 components which constitute a material part of the '722 Patent and lack any substantial non-
22 infringing use. Harris is, therefore, liable for indirect infringement of the '722 Patent pursuant to
23 35 U.S.C. § 271(c).

24 27. On information and belief, Harris has had knowledge of the '722 Patent since, at the
25 very latest, March 16, 2012, the date of NETGEAR's letter to Harris's counsel, yet Harris
26 continues to infringe the '722 Patent. Harris's infringement has been, and continues to be,
27 willful under 35 U.S.C. § 284.

28. As a result of Harris's infringement of the '722 Patent, NETGEAR has and will continue to be irreparably injured, and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial. NETGEAR is also entitled to injunctive relief.

FOURTH CAUSE OF ACTION - INFRINGEMENT OF THE '714 PATENT

29. NETGEAR restates and re-alleges each of the allegations contained in all preceding paragraphs of this Complaint, and incorporates them as if fully stated herein.

30. NETGEAR is the owner by assignment of U.S. Patent No. 7,936,714 ("the '714 Patent"), entitled "Spectrum Allocation System and Method For Multi-Band Wireless RF Data Communications." The '714 Patent issued on May 3, 2011. A true and correct copy of the '714 Patent is attached hereto as Exhibit 4.

31. Harris has infringed and continues to infringe one or more claims of the '714 Patent, by making, using, selling, offering for sale, and/or importing into the United States products, including, but not limited to, Harris's UNITY XG-100P Portable Radio, without permission of NETGEAR. Harris is, thus, liable for direct infringement of the '714 Patent pursuant to 35 U.S.C. § 271(a).

32. On March 16, 2012, NETGEAR sent Harris's counsel a letter notifying Harris of its infringement of the '714 Patent. On information and belief, Harris has and continues to actively induce third parties (e.g., customers, resellers, and end-users) to directly infringe one or more claims of the '714 Patent and is thus liable for indirect infringement pursuant to 35 U.S.C. § 271(b).

33. Harris has and continues to sell, offer to sell, and/or import into the United States components which constitute a material part of the '714 Patent and lack any substantial non-infringing use. Harris is, therefore, liable for indirect infringement of the '714 Patent pursuant to 35 U.S.C. § 271(c).

34. On information and belief, Harris has had knowledge of the '714 Patent since, at the very latest, March 16, 2012, the date of NETGEAR's letter to Harris's counsel, yet Harris

continues to infringe the '714 Patent. Harris's infringement has been, and continues to be, willful under 35 U.S.C. § 284.

35. As a result of Harris's infringement of the '714 Patent, NETGEAR has and will continue to be irreparably injured, and is entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial. NETGEAR is also entitled to injunctive relief.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Rule 3-6(a) of the Local Rules of the United States District Court for the Northern District of California, NETGEAR demands a trial by jury of this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff NETGEAR requests entry of judgment in its favor and against defendant Harris as follows:

A. A judgment that Harris has directly infringed, induced infringement, and contributorily infringed one or more claims of each of the '030 Patent, '400 Patent, '722 Patent, and '714 Patent ("Patents-in-Suit");

B. Enjoining Harris and its officers, agents, servants, employees and attorneys, and all persons acting in active concert or participation with it, from further infringing, contributing to and/or inducing infringement of the Patents-in-Suit, in accordance with 35 U.S.C. § 283;

C. Awarding NETGEAR damages in an amount adequate to compensate NETGEAR for Harris's infringement of the Patents-in-Suit, in accordance with 35 U.S.C. § 284;

D. Awarding NETGEAR damages three times the amount found or assessed by virtue of the deliberate and willful nature of Harris's infringement of the Patents-in-Suit, in accordance with 35 U.S.C. § 284;

E. Awarding NETGEAR its costs of suit, including reasonable attorneys' fees; and

F. Granting such other and further relief as this Court may deem just and appropriate.

1 Dated: April 3, 2012

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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3 By: 

4 James C. Yoon

5 Attorneys for Plaintiff
6 NETGEAR, Inc.
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